

REFERENCE TITLE: justice courts; concurrent jurisdiction limits

State of Arizona  
House of Representatives  
Forty-eighth Legislature  
First Regular Session  
2007

# HB 2474

Introduced by  
Representative Pearce: Senator Gray L

AN ACT

AMENDING SECTION 22-201, ARIZONA REVISED STATUTES; RELATING TO JUSTICES OF  
THE PEACE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 22-201, Arizona Revised Statutes, is amended to  
3 read:

4 22-201. Jurisdiction of civil actions

5 A. Justices of the peace have jurisdiction only as affirmatively  
6 conferred on them by law.

7 B. Justices of the peace have exclusive original jurisdiction of all  
8 civil actions when the amount involved, exclusive of interest, costs and  
9 awarded attorney fees when authorized by law, is five thousand dollars or  
10 less.

11 C. Justices of the peace have concurrent original jurisdiction with  
12 the superior court in cases when the amount involved, exclusive of interest,  
13 costs and awarded attorney fees when authorized by law, is more than five  
14 thousand dollars and ~~less than~~ ten thousand dollars OR LESS.

15 D. Justices of the peace have jurisdiction concurrent with the  
16 superior court in cases of forcible entry and detainer when the amount  
17 involved, exclusive of interest, costs and awarded attorney fees when  
18 authorized by law, is ten thousand dollars or less.

19 E. Justices of the peace have jurisdiction to try the right to  
20 possession of real property when title or ownership is not a subject of  
21 inquiry in the action. If in any such action the title or ownership of real  
22 property becomes an issue, the justice shall so certify in the docket, at  
23 once stop further proceedings in the action and forward all papers, together  
24 with a certified copy of the docket entries in the action, to the superior  
25 court, where the action shall be docketed and determined as though originally  
26 brought in the superior court.

27 F. In actions between landlord and tenant for possession of leased  
28 premises the title to the property leased shall not be raised nor made an  
29 issue.

30 G. If in any action before a justice of the peace a party files a  
31 verified pleading which states as a counterclaim a claim in which the amount  
32 involved, exclusive of interest and costs, is more than ten thousand dollars,  
33 the justice of the peace shall certify this in the docket, at once stop  
34 further proceedings in the action and forward all papers, together with a  
35 certified copy of the docket entries in the action, to the superior court,  
36 where the action shall be docketed and determined as though originally  
37 brought in the superior court. The party shall pay to the clerk of the  
38 superior court the same fees required to be paid by a defendant, and no other  
39 party in the action before the justice of the peace shall be required to pay  
40 any sum. If the party is finally adjudged to be entitled to recover on the  
41 counterclaim, exclusive of interest and costs, ten thousand dollars or less,  
42 the superior court may deny costs to the party and ~~may~~, in addition, MAY  
43 impose costs, including reasonable attorney fees, on the party. The superior  
44 court shall have original jurisdiction of the action, but it may at any time  
45 in furtherance of convenience or to avoid prejudice, or if it appears that

1 the amount involved in the counterclaim, exclusive of interest and costs, is  
2 ten thousand dollars or less, remand the action, or any claim or counterclaim  
3 of which the justice court has jurisdiction, to the justice court and may  
4 order costs.

5 H. The justice of the peace may require arbitration or other dispute  
6 resolution methods that are approved by the supreme court in all civil  
7 actions, except forcible entry or detainer actions.